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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner: **Gerald Klebe**

Appellant: **Nick Bromer**

GAU: **3618**

Title: **DORSIFLEXION SKATE BRAKE**

Serial No.: **09/995,097**

Filed: **Nov. 27, 2001**

This paper: **September 24, 2003**

**SUBMISSION OF SUPPLEMENTAL APPEAL BRIEF,
OATH/DECLARATION,
PETITION, AND
TABLE OF AUTHORITIES**

Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450
Sir:

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In response to the Final Office Action mailed on July 2, 2003, the Applicant/Appellant requests reinstatement of the appeal. No fee is due, and the Appellant hereby requests (if such request is needed) that the previously-paid fees be applied (referring to Paper 17, page 2, line 9). If the present petition does not require a fee, then this paper should be considered a request for a refund if any refund is due.

Attached in triplicate are a Supplemental Appeal Brief and a Table of Authorities listing items that the Examiner refused to enter in the Notification of Non-Compliance mailed on February 25, 2003. The Brief and Table are two separate papers.

Also attached (not in triplicate) are an oath/declaration which the Examiner required in the Office Action of July 2, 2003, and a petition in which the Appellant re-petitions the Director for inclusion of the Table of Authorities in the Supplemental Appeal Brief.

It is noted that the Examiner indicates in ¶ 3 of the Office Action that the return spring of claim 12 is not illustrated in the elected embodiment of Fig. 1, "as required." However, there is no rejection or objection and the Appellant recalls no earlier requirement.

In the Office Action mailed on April 1, 2002, the Examiner stated that the elected group included claim 12. The Appellant sees no further mention of the question of the return spring or of claim 12 in the following office actions. If the Examiner has now changed his mind, then the Examiner should take appropriate action (i.e. withdraw claim 12 from consideration), and not require the Appellant to modify his original disclosure. The Appellant sees no need for action on his part, and respectfully traverses any requirement (if indeed such is made) to amend the drawings or cancel claim 12.

The elected embodiment is clearly disclosed to include a return spring at page 8, line 16, and a spring is illustrated for the embodiment of Fig. 3. The Appellant believes that this should satisfy the requirements of the USC and the CFR, and if not, appropriate citation is requested.

Respectfully submitted,



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